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## United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

BRUCE A. COHEN, *Chief Counsel and Staff Director*  
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August 13, 2012

### Via Electronic Transmission

Ms. Lanie D'Alessandro  
Inspector General  
Office of Inspector General  
National Reconnaissance Office  
14675 Lee Road  
Chantilly, VA 20151-1715

Dear Inspector General D'Alessandro:

I write today regarding serious allegations of misconduct at the National Reconnaissance Office (NRO) that have surfaced over the last month. These allegations raise a number of questions about the NRO leadership and the applicable policies, procedures, and training of NRO employees. It is my understanding that your staff informed my office that the NRO Office of Inspector General (OIG) has opened an investigation into a number of different matters concerning misconduct at the NRO. In an effort to ensure that all of the allegations which have been brought to my attention are addressed, I ask that your investigation examine each of the following allegations detailed below and issue findings related to each specific instance.

### Allegations of Polygraph Violations

On July 10, 2012, a media report detailed allegations that NRO polygraphers were routinely ordered to administer polygraphs that were outside the statutorily authorization for counterintelligence polygraphs.<sup>1</sup> The same media report detailed an "off-the-books policy" at the NRO encouraging polygraphers to go further in questioning NRO employees that was authorized by law or regulation. Additionally, the media report discussed bonuses paid to NRO polygraphers that were designed to reward polygraphers who obtained a high number of confessions to misconduct by NRO employees.

While polygraphs play an important role as a tool to help protect national security, federal law limits the use of polygraphs in certain circumstances. Any violation of federal law, even if the polygraphers had the best interest of protecting national security, needs to, at a minimum, be reviewed, documented and corrected. Further, any violation of federal law found to be intentional needs to be addressed through proper sanction—be it administrative or otherwise.

Therefore, I ask that your review of the NRO polygraph program specifically review (1) whether NRO polygraphers violated federal law by administering polygraphs outside the scope of

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<sup>1</sup> Marisa Taylor, *National Reconnaissance Office Accused of Illegally Collecting Personal Data*, McClatchy Washington Bureau, July 10, 2012.

statutory or regulatory authorization; (2) whether NRO polygraphers intentionally administered polygraphs outside the scope of statutory or regulatory authorization; (3) whether NRO had a policy of encouraging or rewarding—via cash bonuses or other benefits—NRO polygraphers for uncovering confessions of wrongdoing by NRO employees; (4) whether NRO had an “off-the-books” policy encouraging polygraphers to go beyond statutory or regulatory authorization; (5) if the review uncovers instances of polygraphers going beyond the scope of statutory or regulatory authority, determine the highest ranking official at NRO who knew of the program, and the highest ranking official at NRO who authorized the program.

### Allegations of Unreported Criminal Conduct

The July 10, 2012, media report also detailed the most serious and disturbing allegation that requires immediate attention—that NRO polygraphers obtained information of criminal activity that was not reported to criminal investigators. Specifically, the article detailed the case of a NRO contractor that admitted to molesting a third-grade student during a polygraph. The article noted that the NRO refused to comment as to whether this allegation was true.

A separate article issued the same day, it was alleged in another NRO polygraph that an individual confessed to downloading child pornography on a military computer.<sup>2</sup>

These are serious allegations that require immediate attention, especially given the high rate of recidivism among those who commit sexual abuse of children. I ask that you (1) conduct an immediate investigation to determine the veracity of the allegations and determine whether these confessions were obtained, (2) determine if the confessions were provided to the proper law enforcement officials for investigation, (3) consult with the Department of Defense Office of Inspector General (DOD/OIG) to determine if any confessions of downloading child pornography were part of Operation Flicker—an Immigration and Customs Enforcement (ICE) investigation that turned over roughly 5,200 names of DOD employees that downloaded child pornography.

### Retaliation for Whistleblowing

On July 3, 2012, you authored a Memorandum for the Director of the National Reconnaissance Office pursuant to section 5(d) of the Inspector General Act of 1978.<sup>3</sup> This memorandum detailed allegations of reprisal against individuals at NRO who came forward with allegations of wrongdoing. These allegations are serious and I am glad that you found the attempted retaliation as a “serious, flagrant problem” warranting notification to the Director of NRO and members of Congress. Accordingly, I ask that you review any attempted retaliation or threats of retaliation against NRO employees that have brought forth any of the allegations I have mentioned, including those alleged in the media and those which formed the basis your 5(d) disclosure to the Director of the NRO.


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<sup>2</sup> Marisa Taylor, *National Reconnaissance Office Hasn't Told Police of Crime Confessions*, McClatchy Washington Bureau, July 10, 2012.

<sup>3</sup> Inspector General Act of 1978 § 5(d), 5 U.S.C. App. (2006) (requiring an immediate report by an inspector general to the head of the establishment whenever the IG becomes aware of “particularly serious or flagrant problems, abuses, or deficiencies relating to the administration of programs and operations of such establishment.”).

Given the serious nature of this matter I request that you provide a briefing to my staff about the status and scope of your ongoing investigation. Further, given concerns that have been brought to my attention about the ability of NRO to review internal problems, I ask that you keep both the DOD/OIG and the Inspector General for the Intelligence Community apprised of your investigation as it unfolds—and ask for assistance from them if you deem it appropriate and necessary.

Sincerely



Charles E. Grassley  
Ranking Member

Cc: Ms. Lynne Halbrooks  
Principal Deputy Inspector General  
Office of Inspector General  
U.S. Department of Defense

The Honorable I. Charles McCullough, III  
Inspector General  
Office of Intelligence Community Inspector General